

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LYNNE THOMPSON,

Plaintiff,

v.

RANDAL B. TODD, ET AL.

Defendants.

13cv1261

ELECTRONICALLY FILED

**ORDER OF COURT RE: PLAINTIFF'S OBJECTIONS TO REPORT AND
RECOMMENDATION (DOC. NO. 3)**

Presently before this Court are Plaintiff's Objections to United States Magistrate Judge Maureen Kelly's Report and Recommendation. Doc. No. 3. On August 30, 2013, Plaintiff filed a Motion for Leave to Proceed In Forma Pauperis ("IFP"). Doc. No. 1. Plaintiff's Complaint was attached to the Motion. Doc. No. 1-1. Judge Kelly filed a Report and Recommendation recommending that Plaintiff's IFP Motion be denied because Plaintiff had filed at least three lawsuits which were dismissed as frivolous or for failure to state a claim upon which relief could be granted in contravention of 28 U.S.C. § 1915(g) and therefore cannot proceed IFP in this case. Doc. No. 2. Plaintiff has timely filed objections in which she contends that she received a threatening phone call from Defendant Judge Todd (or his representative) and therefore, she should be permitted to proceed IFP. Doc. No. 3.

Plaintiff does not contest her "three strike" status and this Court finds that, consistent with 28 U.S.C. § 1915(g), Plaintiff cannot proceed IFP because of her previous frivolous/unfounded lawsuits. Further, while Plaintiff seemingly attempts to invoke the

imminent risk of serious injury exception to the three strikes rule, she fails to demonstrate that she comes within that exception. Therefore, the following Order is entered:

AND NOW, this 1st day of October, 2013, IT IS HEREBY ORDERED THAT:

1. Judge Kelly's Report and Recommendation (Doc. No. 2) is **ADOPTED** as the Opinion of this Court;
2. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is **DENIED**; and
3. Plaintiff may pay the full filing fee on or before October 15, 2013. Failure to do so will result in dismissal of this lawsuit.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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